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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THEODORE STEVENS,

Plaintiff,

v.

DAVID TRISTAN, *et al.*,

Defendants.

Case No. 2:17-cv-01257-KJD-NJK

ORDER

I. DISCUSSION

Plaintiff, a pro se prisoner, previously filed an application to proceed *in forma pauperis* and filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-4.) The Court screened the complaint on April 11, 2018. (ECF No. 3).

Plaintiff now files a motion for voluntary dismissal. (ECF No. 5.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. Therefore, the Court dismisses this action without prejudice.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the motion for voluntary dismissal (ECF No. 5) is granted.

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IT IS FURTHER ORDERED that this action is dismissed in its entirety without prejudice.

IT IS FURTHER ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED THIS 9 day of May 2018.



UNITED STATES DISTRICT JUDGE